

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KARL D. CHROMY,

Plaintiff,

v.

Civil No. 08-380-HA

ORDER

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

HAGGERTY, District Judge:

Plaintiff Karl D. Chromy, acting *pro se*, seeks judicial review of a final decision by the Commissioner of the Social Security Administration denying his objections to the appointment of Integrity Plus, RPP (Integrity), as his representative payee for benefits awarded under Titles II and XVI of the Social Security Act. 42 U.S.C. §§ 401-33, 1281-83f. The Commissioner of the Social Security Administration (Commissioner) has filed a Motion to Dismiss [50] pursuant to Federal Rule of Civil Procedure 12(b)(6). For the following reasons, the Motion to Dismiss is granted.

In 2008, Integrity notified the Social Security Administration (SSA) that it no longer wished to serve as plaintiff's third party payee. Thereafter, Integrity returned all of plaintiff's conserved funds to the SSA and the SSA stopped issuing plaintiff's benefits checks to Integrity. As Integrity no longer serves as plaintiff's third party payee, his claim that Integrity is not an appropriate third party payee is moot and this case must be dismissed.

CONCLUSION

For the reasons provided, the Commissioner's Motion to Dismiss [50] is GRANTED. This case is DISMISSED without prejudice.

IT IS SO ORDERED.

DATED this 21st day of September, 2009.

_____/s/Ancer L. Haggerty____
Ancer L. Haggerty
United States District Judge